

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

FEDERAL INSURANCE COMPANY, an
Indiana Corporation,

Plaintiff,

vs.

ROBERT E. CATCHER, et al.,

Defendants.

Case No. 09-CV-41-TCK-FHM

OPINION AND ORDER

Defendants Motion for Protective Order [Dkt. 59] is before the undersigned United States Magistrate Judge, the motion has been fully briefed and is ripe for determination. Defendants seek an order “precluding [Plaintiff] from conducting written or deposition discovery directed towards liability and damages issues previously litigated and determined by final judgments. . . .” [Dkt. 59, p. 5].

Defendants argue that liability and damages issues were determined in an action in Wagoner County, Oklahoma; that Plaintiff (Federal) had notice of the action and the opportunity to participate; and therefore Federal is bound by the final judgments entered in the state court action. Defendants assert that as a consequence, they should be protected from discovery requests and depositions related to damages and liability issues. Federal responds that the doctrines of issue and/or claim preclusion do not apply under the circumstances in which Defendants obtained consent judgments.

This case is not in a posture to determine whether issues or claims were precluded by the state court litigation. The question before the court is only whether Defendants have demonstrated good cause to issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. Fed. R. Civ. P. 26(c)(1).

Defendants have not claimed that the discovery is unduly burdensome, nor have they otherwise demonstrated good cause for the entry of a protective order. The undersigned has reviewed the discovery requests and in the absence of any specific objections, finds them to be inoffensive. Indeed, the information sought was likely produced in the state court action. Defendants are therefore required to respond to the discovery propounded.

Defendants Motion for Protective Order [Dkt. 59] is DENIED.

SO ORDERED this 14th day of April, 2010.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE